

Appl. No. 10/622,006
Response dated December 13, 2005
Reply to Office Action mailed November 30, 2005

REMARKS

In the Office Action mailed November 30, 2005, the Examiner raised a restriction requirement, identifying three species, as follows:

Species I: Figures 1-4

Species II: Figure 5

Species III: Figure 6

In response, Applicants hereby elect Species I with traverse. Claims 1, 3-8, 10, 12-15 are readable on the elected species. Claims 2, 9 and 11 are withdrawn.

Applicants respectfully assert that claims 1, 6, 8 and 10 are generic to the three identified species. For example, claim 1 requires, among other things, a cover body formed essentially of flexible, non-rigid material and a magnetic fastener. The cover body defines an inner compartment to accommodate a head of a golf club and an opening of sufficient size for the head of the golf club to be inserted into and removed from the inner compartment. The magnetic fastener is positioned about the opening to at least partially shut the opening. Species I, II and III, as identified by the Examiner, each include a cover body and a magnetic fastener having the features set forth by claim 1. If the Examiner disagrees, Applicants respectfully request that the Examiner provide his reasoning.

Applicants respectfully assert that examination of the pending claims can be made without serious burden. In such instances, restriction is improper. Moreover, in advancing a restriction between species, the Examiner must advance reasons to establish the propriety of restriction. *See*, MPEP 808.01(a). ["[T]here would be a serious burden on the examiner if restriction is not required. . . [W]here there is a relationship disclosed between species, such disclosed relation must be discussed and reasons advanced leading to the conclusion that the disclosed relation does not prevent restriction, in order to establish the propriety of restriction."]

This application should now be in condition for substantive examination. If the Examiner believes this might be expedited by a telephone conference with Applicants'

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representative, the Examiner is respectfully requested to call the undersigned attorney at the number indicated below.

If any fees are due in connection with this filing, please charge the fees to our Deposit Account No. 19-1853.

Date: December 13, 2005

Respectfully Submitted,
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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